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September 24, 2020

VIA ECF

The Honorable Denise L. Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1910
New York, NY 10007

Re: *FTC, et al. v. Vyera Pharmaceuticals, LLC, et al.*, Case No. 1:20-cv-706 (DLC)

Dear Judge Cote:

The Federal Trade Commission and Defendant Martin Shkreli jointly submit this letter to report to the Court on our efforts to resolve the issues relating to Mr. Shkreli's Bureau of Prisons-monitored communications with Kandis Kovalsky and Scott Vernick.

Pursuant to the Court's direction during the September 22 hearing on this matter, Plaintiffs' counsel and Mr. Shkreli's counsel exchanged drafts of proposals for a protocol and timetable to resolve these issues, and had a call yesterday to discuss these proposals. The exchange and the call were productive, and we believe we are making progress on narrowing the issues and getting to a resolution.

Although we are not in a position today to present the Court with a proposal that both sides endorse, we believe that we will be able to present such a proposal by the close of business tomorrow. There are likely to be one or two issues on which the parties cannot agree and which we would present to the Court for resolution.

Respectfully submitted,

/s/ Christopher H. Casey
Christopher H. Casey

CHC